

Assembly Bill No. 186

CHAPTER 540

An act to amend Section 120130 of the Health and Safety Code, relating to public health.

[Approved by Governor October 7, 2011. Filed with
Secretary of State October 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 186, Williams. Reportable diseases and conditions.

Existing law requires the State Department of Public Health to establish a list of reportable communicable and noncommunicable diseases and conditions, including, but not limited to, diphtheria, listeria, salmonella, shigella, and streptococcal infection in food handlers or dairy workers, and typhoid. Existing law requires local health officers to report to the department any disease or condition on the list as specified by the department. Violation of these provisions is a crime.

This bill would delete the requirement that the list of required reportable diseases and conditions include specified diseases. The bill would require the department to establish a list of communicable diseases and conditions for which clinical laboratories would be required to submit a culture or specimen to the local public health laboratory or the State Public Health Laboratory, as specified.

Under existing law, no civil or criminal penalty, fine, sanction, finding, or denial, suspension, or revocation of licensure may be imposed on any person or facility based upon failure to provide notification of a reportable disease or condition unless the disease or condition was printed in the California Code of Regulations at least 6 months prior to the date of the claimed failure.

This bill would extend this exemption to the submission of a culture or specimen, as required. The bill would require notification of the person or facility by the department and publication in the California Code of Regulations of reportable diseases and conditions at least 6 months prior to the date of the claimed failure before a penalty, fine, sanction, or finding, or denial, suspension, or revocation of licensure may be imposed.

To the extent that this bill would increase the duties of local officials, and would change the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The intent of the Legislature is to enable prompt identification of an outbreak of a disease or condition, rapid reporting and laboratory identification during an outbreak situation, prompt identification of the emergence of a new disease or condition, or the recognition of an identified disease or condition that may constitute a danger to the public's health. During an outbreak situation, it is absolutely imperative that positive specimens be sent to a public health laboratory for definitive identification, subtyping, strain typing, or DNA fingerprinting. A public health laboratory must obtain the necessary specimens from all sources in order to be able to quickly identify the organisms causing illnesses and compare the subtypes, thus allowing a timely public health response.

(b) Authorizing the State Department of Public Health to quickly change the list of specimens that must be submitted to a public health laboratory without going through the administrative regulation and rulemaking process will enable the department to include newly emerging diseases and conditions in a timely manner. Having this authority will allow a more rapid response by public health officers to an emerging communicable disease or outbreak.

(c) Recently, there have been several outbreaks of communicable diseases affecting the health of the public for which rapid identification, subtyping of the organism, and immediate public health response have been necessary. Two recent episodes include E. coli in spinach and salmonella in peanut butter, both of which affected the health of a large number of people nationwide.

(d) Without the ability to rapidly change the requirements for submission of specimens for testing, the identification of the organism causing the outbreak and the public health response would be significantly hampered.

SEC. 2. Section 120130 of the Health and Safety Code is amended to read:

120130. (a) The department shall establish a list of reportable diseases and conditions. For each reportable disease and condition, the department shall specify the timeliness requirements related to the reporting of each disease and condition, and the mechanisms required for, and the content to be included in, reports made pursuant to this section. The list of reportable diseases and conditions may include both communicable and noncommunicable diseases. The list may include those diseases that are either known to be, or suspected of being, transmitted by milk or milk-based products. The list may be modified at any time by the department, after

consultation with the California Conference of Local Health Officers. Modification of the list shall be exempt from the administrative regulation and rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be implemented without being adopted as a regulation, except that the revised list shall be filed with the Secretary of State and printed in the California Code of Regulations as required pursuant to subdivision (e). Those diseases listed as reportable shall be properly reported as required to the department by the health officer.

(b) The department shall establish a list of communicable diseases and conditions for which clinical laboratories shall submit a culture or a specimen to the local public health laboratory. The list shall set forth the conditions under which the culture and specimen shall also be submitted to the State Public Health Laboratory. The list may be modified at any time by the department, in consultation with appropriate local public health stakeholders, including, but not limited to, local health officers and public health laboratory directors. Both establishment and modification of the list shall be exempt from the administrative regulation and rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be implemented without being adopted as a regulation, except that the initial list and any modifications shall be filed with the Secretary of State and printed in the California Code of Regulations as required pursuant to subdivision (e).

(c) The department may from time to time adopt and enforce regulations requiring strict or modified isolation, or quarantine, for any of the contagious, infectious, or communicable diseases, if in the opinion of the department the action is necessary for the protection of the public health.

(d) The health officer may require strict or modified isolation, or quarantine, for any case of contagious, infectious, or communicable disease, when this action is necessary for the protection of the public health.

(e) The lists established pursuant to subdivisions (a) and (b) and any subsequent modifications shall be published in Title 17 of the California Code of Regulations.

(f) Notwithstanding any other provision of law, no civil or criminal penalty, fine, sanction, or finding, or denial, suspension, or revocation of licensure for any person or facility may be imposed based upon a failure to provide the notification of a reportable disease or condition or to provide the submission of a culture or specimen that is required under this section, unless the name of the disease or condition that is required to be reported, or for which a culture or specimen is required to be submitted, was printed in the California Code of Regulations and the department notified the person or facility of the disease or condition at least six months prior to the date of the claimed failure to report or submit.

(g) Commencing July 1, 2009, or within one year of the establishment of a state electronic laboratory reporting system, whichever is later, a report generated pursuant to this section, or Section 121022, by a laboratory shall be submitted electronically in a manner specified by the department. The

department shall allow laboratories that receive incomplete patient information to report the name of the provider who submitted the request to the local health officer.

(h) The department may, through its Internet Web site and via electronic mail, advise out-of-state laboratories that are known to the department to test specimens from California residents of the new reporting requirements.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.